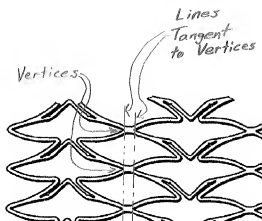


## REMARKS/ARGUMENTS

Claims 1, 2, 5, 6, 9, 10, 12, 13, 15-18, 20, 21, 23, 24, 26, 27, 29-32, 34, 35, 37-40, 42, 43, 45-50, 52, 53, 55-58, 60, 61, 63-65, and 67-85 were pending at the time of the mailing of the outstanding Office Action. Claims 31, 32, 34, 35, 37-40, 42, 43, 45-50, 52, 53, 55-58, 60, 61, 63-65, 67-72, 76, and 78-85 have been withdrawn from consideration. By this amendment, claims 86 and 87 have been added. No additional claims have been cancelled. Claims 1, 47, 48, 65 and 73 have been amended.

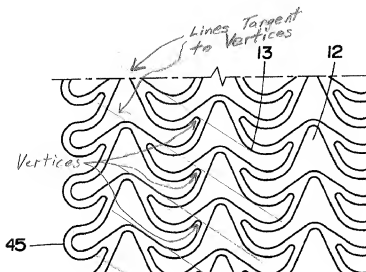
In the Office Action, the Examiner rejected claims 1, 2, 5, 6, 9, 10, 20, 21, 23, 24, 26, 27, 47 and 48 under 35 USC § 102(e) as anticipated by, or in the alternative, under 35 USC § 103(a) as obvious over Alt (DE 19834956).

Independent claims 1 and 73 have been amended to further distinguish over Alt. These claims now recite that the bar element portions of the first annular support portion extend between two turning points and are defined by a line extending tangentially from a vertex of each V-shape or by a line extending perpendicular to a line bisecting an angle of the V-shape, as recited in claims 1 and 73, respectively. A plurality of the lines extending tangentially from the vertices of the V-shapes are essentially perpendicular to a longitudinal axis of the tubular body. For each V-shape in the stent configuration, the vertex of the V-shape is a single point, according to the standard definition of a vertex, “1. The highest point of something, apex. 2. *Anat...*3. *Astron...*4. a. The point at which the sides of an angle intersect...” (American Heritage Dictionary, Second College Edition, Houghton Mifflin Co., Boston, MA, 1982). Stated differently, a line tangent to the vertex may be described as a line perpendicular to a line bisecting the angle of the V-shape. Additionally, the bar element portions extend to an identical extent in the longitudinal direction in a non-offset manner on at least one side of the first annular support portion. Support for these amendments may be found in the Figures, including Fig. 3, which is provided in relevant part below.



The Figures clearly provide a stent having bar element portions which can be defined as recited in claim 1. Lines extending tangentially from the vertices of the V-shapes are also essentially perpendicular to a longitudinal axis. In the embodiment shown in Fig. 3, the lines may also be considered to be co-linear as recited in new claims 86 and 87.

Alt provides no teaching or suggestion of such a structure. Instead, any lines defined as a tangent of the vertices of the V-shapes of Alt are neither perpendicular to the axis of the stent nor co-linear, as illustrated below.



For the sake of clarity, tangent lines are provided above only for V-shapes present on one side of an annular support portion. However, it should be understood that corresponding tangent lines could also be drawn for the opposite side of the same annular support portion or for either side of any other annular support portion of the stent provided by Alt. In no instance would such tangent lines be perpendicular to the longitudinal axis of Alt's stent as recited by claim 1. Likewise, the bar element portions of Alt do not extend to an identical extent and in a non-offset manner in the longitudinal direction on either side of an annular support portion, as also required by claim 1.

Alt neither teaches nor suggests a stent as recited in the claims. Therefore the claims patentably distinguish over Alt. Withdrawal of the rejection of claims 1, 2, 5, 6, 9, 10, 20, 21, 23, 24, 26, 27, 47 and 48 as anticipated by, or as obvious over Alt (DE 19834956) is respectfully requested.

Claims 12, 13, 15-18, 29 and 30 stand rejected as being as being unpatentable under 35 U.S.C. § 103(a) over Alt in view of Hoefer (DE 19840645). As provided above, Alt does not teach or suggest a stent having bar element portions as defined in the claims. Likewise, Hoefer does not provide elements recited in these claims.

As stated previously, Hoefer does not provide bar elements portions that are entirely convex or concave over the entire length of the bar element portion as recited in the claims. It should also be noted that claim 2, from which claims 12, 15, 18 and 29 depend, specifically recites that the bar element portions are of a continuously curved configuration. Hoefer's bar element portions are not curved at all, much less are they continuously curved, but are instead a series of straight connected pieces. Therefore, one of ordinary skill in the art would not have found any teaching or suggestion in Hoefer of a stent with continuously curved bar element portions, where the direction of curvature changes in the longitudinal direction of the stent as recited in claims 12, 15, 18 and 29.

Additionally, claims 13, 16, 17 and 30 depend from claim 5, which recites that the bar element portions are either curved in such a way as to keep stresses that occur upon flexural deformation below a plastic deformation limit, or have a width that varies over their length. Hoefer provides neither of these elements. Therefore, claims 13, 16, 17 and 30, as well as claims 12, 15, 18 and 29 patentably distinguish over Alt and Hoefer, either individually or in combination. Withdrawal of this rejection is respectfully requested.

Claims 65, 73 and 74 have been rejected as obvious over Alt in view of Kveen (6,261,319). Amended claim 65 recites that each of the V-shaped connecting bars is parallel to at least a portion of the bar element portion that the V-shaped connecting bar engages. Neither Alt nor Kveen teach or suggest a stent having such an arrangement. Kveen's connecting bars engage the central portion of the bar element portions but the connecting bars are clearly not parallel to any portion of the bar element portion to which they attach. Similarly, claim 73 has been amended to recite that the second connecting bars engage a central portion of the bar element portions and are parallel to at least a portion of the bar element portion that the second connecting bar engages. Therefore claims 65, 73 and 74 patentably distinguish over Alt in view of Kveen. Withdrawal of this rejection is respectfully requested.

Similarly, claims 75 and 77 patentably distinguish over Alt in view of Kveen in further view of Hoefer for the reasons provided above. Therefore, withdrawal of the rejection of these claims under 35 U.S.C. § 103(a) is also respectfully requested.

Because one or more generic claims are believed to be allowable, as discussed above, the Applicants also request rejoinder and allowance of the claims of the non-elected species, claims 31, 32, 34, 35, 37-40, 42, 43, 45, 46, 49, 50, 52, 53, 55-58, 60, 61, 63, 64, 67-72, 76, and 78-85.

The outstanding Office Action was mailed on June 27, 2007. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, no petition for an extension of time is believed to be due with this response. Nevertheless, the Applicants hereby make a conditional petition for an extension of time for response in the event that such a petition is required. Two additional claims have been added. The Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

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